

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION**

NUVIA AREVALO, ET AL.,

Plaintiffs,

Case No. 11-2339

v.

SENIOR UNITED STATES DISTRICT JUDGE
ARTHUR J. TARNOW

UMH PROPERTIES, INC., ET AL.,

Defendants.

MAGISTRATE JUDGE TU M. PHAM

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION [70]; AND DENYING DEFENDANTS' MOTION TO DISMISS
[21] WITHOUT PREJUDICE**

Before the Court is Defendants' Motion to Dismiss [21], filed on September 19, 2011.

On June 25, 2013, the Magistrate Judge issued a Report and Recommendation [70] recommending that the Court deny Defendants' Motion to Dismiss [21] without prejudice and allow non-arbitrating Plaintiffs to file an amended complaint.

The parties have not filed any objections the Report and Recommendation [70]. The Court has reviewed the record in this case.

The Report and Recommendation [70] of the Magistrate Judge is hereby **ADOPTED** and is entered as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that Defendants' Motion to Dismiss [21] is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that non-arbitrating Plaintiffs file an amended complaint in accordance with the Report and Recommendation [70].

SO ORDERED.

s/Arthur J. Tarnow
ARTHUR J. TARNOW
SENIOR UNITED STATES DISTRICT JUDGE

Dated: July 2, 2013